

E-FILED 2/26/2008

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES *ex rel.* DONNA M.
McLEAN and THE STATE OF CALIFORNIA
ex rel DONNA M. McLEAN,

No. C05-01962 HRL

Plaintiffs,
v.

**ORDER GRANTING RELATOR'S
MOTION TO PERMIT ATTORNEY TO
WITHDRAW**

THE COUNTY OF SANTA CLARA, et al.,
Defendants.

[Re: Docket No. 114]

COUNTY OF SANTA CLARA,
Counter-claimant,

v.
DONNA M. McLEAN and DOES 1-100,
Counter-defendants.

On February 13, 2008, relator Donna McLean advised that the attorney-client relationship with her counsel, Michael Millen, has broken down. She requested that Millen be permitted to withdraw and that she be allowed to proceed *pro se* until she retained a new attorney. The next day, attorney William Dresser substituted into the case as lead counsel for McLean.

The Ninth Circuit recently held that relators may not proceed *pro se* on behalf of the

1 government in a False Claims Act case. *See United States ex rel Stoner v. Santa Clara County*
2 *Office of Education*, 502 F.3d 1116, 1126-27 (9th Cir. 2007) (“Because *qui tam* relators are not
3 prosecuting only their ‘own case’ but also representing the United States and binding it to any
4 adverse judgment the relators may obtain, we cannot interpret [28 U.S.C.] § 1654 as authorizing
5 *qui tam* relators to proceed *pro se* in FCA actions.”). Nevertheless, insofar as McLean has
6 already obtained new counsel who has substituted into the case, her request to permit Millen to
7 withdraw from this matter is granted.

8 IT IS SO ORDERED.

9 Dated: February 26, 2008


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11 HOWARD E. LLOYD
12 UNITED STATES MAGISTRATE JUDGE
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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.

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